

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorneys for Plaintiffs
Disney Enterprises, Inc.
and Warner Bros. Entertainment Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Disney Enterprises, Inc. and Warner Bros.
Entertainment Inc.,

Plaintiffs,

V.

Dane Gallivan a/k/a DJ Gallivan, an individual and d/b/a www.OnlyClassicMovies.com and Does 1 through 10, inclusive.

Defendants.

Case No.:

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COMPLAINT FOR COPYRIGHT INFRINGEMENT

DEMAND FOR A JURY TRIAL.

Plaintiffs Disney Enterprises, Inc. (“Disney”) and Warner Bros. Entertainment Inc. (“Warner Bros.”) (collectively “Plaintiffs”) for their Complaint allege as follows:

A. Jurisdiction and Venue

1. Plaintiffs bring this action pursuant to 17 U.S.C. §§ 101, *et seq.* The Court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1331 and § 1338(a).

2. The events giving rise to the claim alleged herein occurred, among other places, within this judicial district. Venue in the Central District of California is proper pursuant to 28 U.S.C. § 1391(b) and § 1400(a).

1 **B. Introduction**

2 3. Plaintiffs produce, distribute and/or own various creative works,
3 including, but not limited to, motion pictures and television shows (the "Disney
4 Works" and the "Warner Bros. Works") (collectively the "Plaintiffs' Works") that
5 are entitled to copyright protection. Defendants, through various online venues,
6 including but not necessarily limited to www.onlyclassicmovies.com (the
7 "Website"), distribute, promote, offer for sale and sell unauthorized copies of the
8 Plaintiffs' Works (the "Unauthorized Media Product"). Plaintiffs are informed and
9 believe and based thereon allege that this infringement activity is systematic and
10 willful. Plaintiffs ask that this Court enjoin that activity and order Defendants to pay
11 damages pursuant to the Copyright Act of 1976, 17 U.S.C. § 101, *et seq.* (the
12 "Copyright Act.").

13 **C. Plaintiffs**

14 4. Disney is a corporation duly organized and existing under the laws of
15 the State of Delaware, having its principal place of business in Burbank, California.

16 5. Disney and certain of its affiliated companies are engaged in a variety of
17 businesses including, without limitation, the production and distribution of motion
18 pictures and television programs.

19 6. Disney owns exclusive rights under the Copyright Act to the Disney
20 Works, including the rights to reproduce, distribute or license the reproduction and
21 distribution of the motion pictures in video format in the United States, including,
22 but not limited to the motion picture *Song of the South* which is the subject of a
23 copyright registration numbered R 557922. Video format includes video cassettes,
24 video laser discs, digital versatile discs ("DVDs"), video compact discs ("VCDs")
25 and Blu-ray discs.

1 7. Warner Bros. is a corporation duly organized and existing under the
2 laws of the State of Delaware, having its principal place of business in Burbank,
3 California.

4 8. Warner Bros. and certain of its affiliated companies are engaged in a
5 variety of businesses including, without limitation, the production and distribution of
6 motion pictures and television programs.

7 9. Warner Bros. owns exclusive rights under the Copyright Act to the
8 Warner Bros. Works, including the rights to reproduce, distribute or license the
9 reproduction and distribution of the motion pictures in video format in the United
10 States, including, but not limited to, the motion picture *Don't Be Afraid of the Dark*
11 which is the subject of a copyright registration numbered PA 109-555. Video format
12 includes video cassettes, video laser discs, digital versatile discs ("DVDs"), video
13 compact discs ("VCDs") and Blu-ray discs.

14 10. The expression and other distinctive features of the Plaintiffs' Works
15 are wholly original with Plaintiffs, their licensors and/or assignors and, as fixed in
16 various tangible media, are copyrightable subject matter under the Copyright Act.

17 11. Plaintiffs, or any predecessor-in-interest, have complied in all respects
18 with the laws governing copyright and have secured the exclusive rights and
19 privileges in and to the Plaintiffs' Works, and Plaintiffs hold certificates of
20 registration and/or secured exclusive licenses or assignments to reproduce,
21 distribute and license the Plaintiffs' Works throughout the United States.

22 12. The Plaintiffs' Works have been manufactured, sold and/or otherwise
23 distributed in conformity with the provisions of the copyright laws. Plaintiffs and
24 those acting under their authority have complied with their obligations under the
25 copyright laws and Plaintiffs, in their own right or as successor-in-interest, have at
26 all times been and still are the sole proprietors or otherwise authorized to enforce all
27 right, title and interest in and to the copyrights or to enforce their exclusive rights
28

1 for home video distribution in each of the Plaintiffs' Works.

2 **D. Defendants**

3 13. Defendant Dane Gallivan also known as DJ Gallivan ("Gallivan") is an
4 individual and doing business as www.OnlyClassicMovies.com. Plaintiff is
5 informed and believes that Gallivan is a resident of Castle Rock, in the State of
6 Colorado. Plaintiff is further informed and believes Gallivan transacts business as
7 www.OnlyClassicMovies.com, www.ClassicMoviesDirect.com, "OCM" and "R&T
8 Marketing", by doing business in this judicial district through offers and sales of the
9 Unauthorized Media Product in the City and County of Los Angeles, among other
10 places.

11 14. Upon information and belief, Does 1 - 10 are either entities or
12 individuals who are residents of or present in this judicial district, and are subject to
13 the jurisdiction of the Court. Upon information and belief, Does 1 - 10 are principals,
14 supervisory employees, or suppliers of one or the other named defendants or other
15 entities or individuals who are, in this judicial district, manufacturing, distributing,
16 selling and/or offering for sale merchandise which infringes the Plaintiffs' Works.
17 The identities of the various Does are unknown to Plaintiffs at this time. The
18 Complaint will be amended to include the names of such individuals when identified.
19 Gallivan and Does 1 - 10 are collectively referred to herein as "Defendants."

20 **E. Defendants' Infringing Activities**

21 15. Defendants have copied, reproduced, distributed, advertised and/or sold
22 and continue to copy, reproduce, distribute, advertise and/or sell unauthorized copies
23 of motion pictures owned by Plaintiffs, including, but not necessarily limited to, the
24 Plaintiffs' Works identified in paragraphs 6 and 9, above. Defendants do so using
25 the Website. The copies sold by Defendants are obviously counterfeit. The
26 packaging fails to conform with packaging characteristics of Plaintiffs' home video
27 product and the discs do not contain the file structure characteristics of legitimate

1 product.

2 16. Defendants have not been authorized by Plaintiffs to reproduce,
3 distribute, sell or offer for sale any of the Plaintiffs' Works.

4 17. By engaging in this conduct, Defendants have acted in willful disregard
5 of laws protecting Plaintiffs' copyrights. Plaintiffs have sustained and will continue
6 to sustain substantial damage to the value of their creative works, specifically
7 including the Plaintiffs' Works.

8 **F. Plaintiffs' Damages**

9 18. Plaintiffs are informed and believe, and upon that basis allege, that
10 the Defendants have each obtained gains, profits and advantages as a result of
11 their infringing activity in amounts within the jurisdiction of the Court.

12 19. Plaintiffs are informed and believe, and upon that basis allege, that
13 they have suffered and continue to suffer direct and actual damages as a result of
14 Defendants' infringing conduct, in amounts within the jurisdiction of the Court.
15 In order to determine the full extent of such damages, including such profits as
16 may be recoverable under 17 U.S.C. § 504, Plaintiffs will require an accounting
17 from each Defendant of all monies generated from the promotion, display, sale
18 and offer for sale of the Defendants' goods and services using the Plaintiffs'
19 Works. In the alternative, Plaintiffs may elect to recover statutory damages
20 pursuant to 17 U.S.C. § 504 (c) for each Plaintiffs' Work infringed.

21 20. Plaintiffs have no other adequate remedy at law and have suffered and
22 continue to suffer irreparable harm and damage as a result of the above-described
23 acts. Plaintiffs are informed and believe, and upon that basis allege, that, unless
24 enjoined by the Court, Defendants' infringing activity will continue, with attendant
25 irreparable harm to Plaintiffs. Accordingly, Plaintiffs seek preliminary and
26 permanent injunctive relief pursuant to 17 U.S.C. § 502 and seizure of the
27 Unauthorized Media Product, including the means of production as provided by 17
28

1 U.S.C. § 503.

2 21. By reason of the foregoing, Plaintiffs have incurred and will continue
 3 to incur attorneys' fees and other costs in connection with the prosecution of their
 4 claims, which attorneys' fees and costs Plaintiffs are entitled to recover from the
 5 Defendants, and each of them, pursuant to 17 U.S.C. § 505.

6 22. Plaintiffs are without an adequate remedy at law in that damages are
 7 difficult to ascertain and, unless the Defendants' acts are enjoined, Plaintiffs will be
 8 irreparably harmed by Defendants' deliberate and systematic infringement of their
 9 rights.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiffs ask this Court to order that:

12 1. Defendants, their agents, servants, employees, representatives,
 13 successor and assigns, and all persons, firms, corporations or other entities in active
 14 concert or participation with any of the said Defendants, be immediately and
 15 permanently enjoined from directly or indirectly infringing the Plaintiffs' Works in
 16 any manner, including generally, but not limited to:

17 a. Reproducing, distributing, shipping, selling or offering for sale
 18 unauthorized copies, in any format, of any of the Plaintiffs' Works;
 19 b. Aiding or abetting the reproduction, distribution, shipment, sale or offer
 20 for sale of any unauthorized copies of any of the Plaintiffs' Works; or
 21 c. Marketing, advertising and/or promoting any unauthorized copies of the
 22 Plaintiffs' Works.

23 2. That Plaintiffs and their designees are authorized to seize the
 24 following items which are in Defendants' possession, custody or control:

25 a. All Unauthorized Media Product;
 26 b. Any other unauthorized product which reproduces, copies,
 27 counterfeits, imitates or bear any of the Plaintiffs' Works, or any

part thereof;

c. Any molds, screens, patterns, plates, negatives, machinery or equipment, specifically including computers, servers, optical disc burners and other hardware used for making or manufacturing the Unauthorized Media Product or unauthorized product which reproduces, copies, counterfeits, imitates or bear any of the Plaintiffs' Works, or any part thereof.

3. Defendants be required to pay actual damages increased to the maximum extent permitted by law and/or statutory damages at Plaintiffs' election;

4. Defendants be required to account for and pay over to Plaintiffs all damages sustained by Plaintiffs and profits realized by Defendants by reason of Defendants' unlawful acts herein alleged and that those profits be increased as provided by law;

5. Defendants be required to pay Plaintiffs their costs of this action and reasonable attorneys' fees; and

6. Plaintiffs be granted all other and further relief the Court may deem just and proper under the circumstances.

Dated: November 19, 2009 J. Andrew Coombs, A Professional Corp.

By:

J. Andrew Coombs
Nicole L. Drey
Attorneys for Plaintiffs Disney Enterprises, Inc. and
Warner Bros. Entertainment Inc.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs Disney and Warner Bros. hereby demand a trial by jury of all issues so triable.

Dated: November 19, 2009 J. Andrew Coombs, A Professional Corp.

J. Andrew Coombs, A Professional Corp.

By:

Andrew Coombs
Nicole L. Drey

Attorneys for Plaintiffs Disney Enterprises, Inc. and Warner Bros. Entertainment Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Percy Anderson and the assigned discovery Magistrate Judge is Rosalyn M. Chapman.

The case number on all documents filed with the Court should read as follows:

CV09 - 8533 PA (RCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

J. Andrew Coombs (SBN 123881)
 Nicole L. Drey (SBN 250235)
 J. Andrew Coombs, A P. C.
 517 E. Wilson Ave., Suite 202
 Glendale, California 91206
 Telephone: (818) 500-3200
 Facsimile: (818) 500-3201

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Disney Enterprises, Inc. and Warner
 Bros. Entertainment Inc.,

Plaintiff(s)

v.
 Dane Gallivan (see attachment)

Defendant(s)

CASE NUMBER
 CV 09-08533 PA (RCx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
J. Andrew Coombs, whose address is:

J. Andrew Coombs, A P. C.
 517 E. Wilson, Suite 202
 Glendale, California 91206

an answer to the complaint amended complaint counterclaim cross-claim which is herewith served upon you within 20 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

CLERK, U.S. DISTRICT COURT

Date: NOV 19 2009

By: CHRISTOPHER POWERS

Deputy Clerk
 SEAL
 (Seal of the Clerk)

SUMMONS

SUMMONS ATTACHMENT

Disney Enterprises, Inc. and Warner Bros. Entertainment Inc.,

Plaintiffs,

v.

Dane Gallivan a/k/a DJ Gallivan, an individual and d/b/a
www.OnlyClassicMovies.com and Does 1 through 10, inclusive,

Defendants.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

| | | | |
|---|---|---|---|
| I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Disney Enterprises, Inc. and Warner Bros. Entertainment Inc. | DEFENDANTS Dane Gallivan a/k/a DJ Gallivan, an individual and d/b/a www.OnlyClassicMovies.com and Does 1 through 10, inclusive | | |
| (b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles | County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): | | |
| (c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) J. Andrew Coombs (SBN 123881) / Nicole L. Drey (SBN 250235) J. Andrew Coombs, A Professional Corporation 517 E. Wilson Ave., Suite 202 Glendale, California 91206 / Telephone: (818) 500-3200 | Attorneys (If Known) | | |
| II. BASIS OF JURISDICTION (Place an X in one box only.) | | | |
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) | III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) | |
| PTF | DEF | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation |
| <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | <input type="checkbox"/> 7 | Appeal to District Judge from Magistrate Judge |

IV. ORIGIN (Place an X in one box only.)

1 Original 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify): 6 Multi-District Litigation 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: Yes No**MONEY DEMANDED IN COMPLAINT:** \$ _____**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Copyright Infringement 17 U.S.C. §§ 101 et seq.**VII. NATURE OF SUIT** (Place an X in one box only.)

| | | | | | |
|---|---|--|---|--|--|
| OTHER STATUTES | CONTRACT | TORTS | TORTS | PRISONER PETITIONS | LABOR |
| <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes | <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act |
| PROPERTY RIGHTS | SOCIAL SECURITY | CIVIL RIGHTS | FORFEITURE / PENALTY | PROPERTY RIGHTS | FEDERAL TAX SUITS |
| <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other | <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) |
| <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 866 IRS-Third Party 26 USC 7609 | <input type="checkbox"/> 690 Other | | | |

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? No Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? No Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

Check here if the U.S. government, its agencies or employees is a named plaintiff.
Los Angeles

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

Check here if the U.S. government, its agencies or employees is a named defendant.
Colorado

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.
Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date 11-19-01

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 and is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g)) |